REMARKS/ARGUMENTS

1.) Claim Amendments

Applicant amends claims 1 and 10-12. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-17 are currently pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner Objections - Claims

The Office Action objects to claim 1 because of informalities. Again, the Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claims as suggested by the Examiner in order to correct the informalities. The Examiner's consideration of the amended claims is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 112, second paragraph

Claim 10 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Applicants respectfully traverse this rejection. For purposes of advancing prosecution, however, Applicants amend claim 10 to remove the objected-to language. Additionally, Applicants amend claims 11 and 12 to keep these claims consistent in wording with amended claim 10. Applicants respectfully request reconsideration and allowance of claim 10 and its dependent claims.

4.) Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooper, *et al.* (U.S. Patent Publication No. 2004/0068473) ("*Cooper*") in view of Cunningham, *et al.* (U.S. Patent Publication No. 2004/0029566) ("*Cunningham*"). Applicants respectfully traverse this rejection. The proposed *Cooper-Cunningham* combination fails to disclose, teach, or suggest every element of the rejected claims.

For example, claim 1 recites, *inter alia*:

A method of supporting purchases of content over a public communication network from a content provider to a customer using an access operator for communication, at a server controlled by the content provider receives a purchase request for content over said public network from a terminal operated by the customer, comprising the steps of:

the content provider server sending a purchase indication message to a transaction router to indicate the purchase request and ask for validation of the purchase, the transaction router having established a trusted relationship with the content provider and with the access operator,

the content provider server sending a URL network address to the customer terminal to connect the customer with the transaction router for performing a purchase dialogue,

. . .

The proposed *Cooper-Cunningham* combination fails to disclose, teach, or suggest every element of claim 1. For example, the proposed *Cooper-Cunningham* combination fails to disclose a method comprising "the content provider server sending a URL network address to the customer terminal to connect the customer with the transaction router for performing a purchase dialogue" as recited by claim 1. Additionally, the proposed *Cooper-Cunningham* combination is improper. For at least these reasons, claim 1 is allowable over the proposed *Cooper-Cunningham* combination, as explained further below.

a.   The proposed Cooper-Cunningham combination fails to disclose "the content provider server sending a URL network address to the customer terminal to connect the customer with the transaction router for performing a purchase dialogue."

As the Office Action concedes, "*Cooper* does not explicitly disclose the content provider sending a URL network address to the customer terminal to connect the customer with the transaction router for performing a purchase dialogue." Office Action at p. 4. Combining *Cooper* with *Cunningham* fails to remedy this omission because *Cunningham* also fails to disclose this element of claim 1. In attempting to address this element, the Office Action cites to a portion of *Cunningham* that describes "a charging system" that, according to *Cunningham*, can be implemented using a conventional e-commerce system "with the addition of a single link to the toll sever on the content provider's sales confirmation web-page (e.g. a single button labeled 'Buy Now' or

'Proceed' etc)." *Cunningham* at ¶ 0126. According to *Cunningham*, "[t]his link uses a URL which encodes the transaction data including amount, etc." *Id*. *Cunningham* does not indicate, however, that this URL is used "to connect the customer with the transaction router for performing a purchase dialogue." Consequently, the cited portion of *Cunningham* fails to disclose "the content provider server sending a URL network address to the customer terminal *to connect the customer with the transaction router for performing a purchase dialogue*" (emphasis added) as recited by Claim 1, and thus, the proposed *Cooper-Cunningham* combination also fails to disclose this element.

b.   The proposed *Cooper-Cunningham* combination is improper.

Applicants respectfully note that, for an obviousness rejection to be appropriate, the Examiner must "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1742 (2007). "[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *Id.* Applicants respectfully submit that the Office Action's proposed basis for combining the cited references fails to satisfy this requirement.

With respect to combining *Cooper* with *Cunningham*, the Office Action states only that:

> It would have been obvious to one of ordinary skill in the art at the time of the invention to include features and steps as taught by Cunningham in the system and method of Cooper, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

These bare assertions, however, fail to satisfy the standard set forth by *KSR*. Not only are these assertions simply conclusory statements that fail to identify any reasoning or evidence that supports their conclusion, they mischaracterize the cited references.

For example, the Office Action equates the "purchase indication message" recited by claim 1 with the "validation request 22" described by *Cooper*, and equates the "transaction router" recited by claim 1 with the "validation server 14" described by *Cooper*. *See* Office Action at p. 4; *Cooper* at ¶ 0016. The Office Action also equates the "URL network address [sent] to the customer terminal" with the "single link to the toll sever" described by *Cunningham*, and equates the "transaction router" recited by claim 1 with the "toll server" described by *Cunningham*. *See* Office Action at p. 4; *Cunningham* at ¶ 0126.

Notably, *Cooper* indicates that "validation request 22 includes data identifying the customer 10 and may include other data identifying the content" and that "[t]he validation request 22 may also include a price to be charged for the content." *Cooper* at ¶ 0016. Similarly, *Cunningham* indicates that the "link to the toll server . . . uses a URL which encodes the transaction data including amount, etc." *Cunningham* at ¶ 0126. Thus, under the proposed combination of *Cooper* and *Cunningham*, both the "validation request" of *Cooper* and the "link to the toll server" of *Cunningham* are used to transmit transaction data such as price to the same remote element. Thus, contrary to the assertions of the Office Action, the "link to the toll server" would not have "performed the same function as it did separately," because doing so would make the "link" completely redundant and superfluous in light of the "validation request 22" that carried the same information. Moreover, in light of this overlap in functionality, one of skill in the art would have no motivation to combine *Cooper* and *Cunningham* as described, and the proposed *Cooper-Cunningham* combination is thus improper for at least these reasons.

As a result, the proposed *Cooper-Cunningham* combination fails to disclose, teach, or suggest every element of Claim 1. Although of differing scope from Claim 1, Claim 10 includes elements that are not disclosed, taught, or suggested by the proposed *Cooper-Cunningham* combination for reasons analogous to those discussed with respect to claim 1. Additionally, the proposed *Cooper-Cunningham* combination is improper. Claims 1 and 10 are thus allowable for at least these reasons. Applicants

respectfully request reconsideration and allowance of claims 1 and 10, and their respective dependent claims.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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